



Crl.OP.No.28972 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 02.03.2022 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(C), 25, 29(1) of NDPS Act in crime No.6 of 2022 on the file of the respondent police, seeks bail.

2. According to the case of the prosecution, the accused persons were found in possession of 60 kgs of 'ganja'. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that there are totally three accused persons, in which the petitioner is arrayed as A3. Only on the confession statement of A1 & A2, the petitioner was implicated as accused. Even according to the case of the prosecution, the petitioner was not in conscious possession of any contraband. A1's confession statement was recorded on 06.02.2022 and in the said confession statement, there was no whisper about the petitioner's overt act. After his arrest, he was remanded to judicial custody. During his custody, further confession statement was recorded on 15.02.2022 and only on the said confession, the petitioner has been implicated as an accused. He further submitted that the petitioner was



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arrested and remanded to judicial custody on 02.03.2022 by PT Warrant. The petitioner was originally arrested on 01.02.2022 in pursuance of the Crime No.36 of 2022 on the file of the Inspector of Police, Nagapattinam Town Police Station. Therefore, there is absolutely no possibility for the petitioner to provide car on 06.02.2022 to purchase the contraband by A1 & A2. Further, the case of the prosecution is that the petitioner paid a sum of Rs.10,00,000/- to A1 and A2 to purchase the contraband from Andhra Pradesh. The petitioner was arrested on 01.02.2022 and as such, there is absolutely no possibility for the petitioner to provide sum of Rs.10,00,000/- to A1 for purchasing the contraband.

4. The learned Government Advocate (crl.side) appearing for the respondent submitted that there are totally 3 accused, in which the petitioner is arrayed as A3. He is the master brain behind all the crime committed under the NDPS Act. He is a drug peddler and he used to purchase the contraband from Andhra Pradesh and to smuggle to Srilanka. When the petitioner proceeded to Srilanka, he was arrested and remanded to judicial custody in Crime No.36 of 2022 on the file of the Nagapattinam Town Police Station. He was is conscious possession of 450 Kgs of Ganja. The petitioner used to purchase contraband along with other accused persons. As such, he purchased



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the car bearing registration No.TN 68 Z 8079 Renault Kwid Blue from one lady and handed over to the A1 for purchasing the contraband. That apart, the petitioner is a financier. Only on his instructions, A1 & A2 purchased the contraband. Therefore, the petitioner is a popular person in the under world. Further, the presence of the petitioner is not required to provide car and cash. That apart, the petitioner was already arrested on 01.02.2022 in pursuance to the Crime No.36 of 2022 on the allegation that the petitioner was in possession of 450 Kgs of Ganja. Therefore, there is material to connect the petitioner along with A1 & A2.

5. It is seen that this Court already dismissed the bail petition filed by the petitioner on 12.08.2022 and this is the second bail petition. Even then, there is no change of circumstances in the case. Therefore, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed.

25.11.2022

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